

Summary of Technical Comments  
to the  
CEQA SQO Scoping  
Document

Scientific Steering Committee  
Meeting  
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# CEQA Scoping Document

CEQA Scoping Document circulated in August 2006

- Described issues related to development and application of SQOs
- Presented preliminary policy language

Held three public workshops

Received written comments through November 2006

(<http://www.waterboards.ca.gov/bptcp/sediment.html>)

# Public Comments Received

Three types of comments received

- Legal or Administrative: *Regarding How the Water Board should address CEQA/Econ Analysis*
- Programmatic Comments;
  - *Application to the Management of dredge materials*
  - *Application to 303(d) Listings*
  - *Defining an exceedence of narrative objective*
- Comments relating to the technical approach or issues

# Technical Comments

1. Use of a single LOE
2. Response to SQO exceedence
3. Unmeasured chemicals
4. Chemical thresholds differ by habitat
5. Assessment in estuaries and other habitats
6. Numeric versus narrative objectives
7. Protection from potential impacts
8. Costs of monitoring
9. Complexity of assessment
10. Framework for indirect effects

# 1. Use of a Single LOE

- Comment: Should rely on single LOE
  - Use a single LOE similar to the water quality control paradigm
  - Single LOE exhibiting a strong response should be sufficient to indicate an exceedence
  - Requiring three LOE means that a great deal of historical data cannot be used
- Response: Disagree, sediment quality criteria development requires a fundamentally different approach than WQC because of the poorly understood issue of bioavailability
  - It is clear that one LOE used alone to assess sediment quality can be misleading
  - Assume under the proposed plan that data composed of single LOE will be replaced by MLOE.

## 2. Response to SQO Exceedence

- Comment: The plan only describe the assessment of impact
  - The plan should include guidance for appropriate follow-up responses
  - The Board should provide chemical targets for cleanups
- Response: Agree with need for additional information and that has been developed that describes a sequential approach
  - Cannot develop statewide cleanup targets for a number of reasons

## 2. Response to SQO Ex. Continued

### Sequential Approach

- Confirmation and characterization of pollutant related impacts
- Pollutant Identification
- Sources Identification
- Target Development

# 3. Unmeasured Chemicals

- Comment: The list of chemicals is quite limited.
  - Is the State only concerned with the chemicals listed?
  - What if a chemical is causing effects but does appear on the list
- Response: Agree the list is limited, a result of data limitations, we expect the list to be expanded over time.
  - The toxicity LOE used as both exposure and effect measures are specifically intended to address other chemicals

# 4. Thresholds Differ by Habitat

- Comment: The proposed approach utilizes different chemical thresholds for different Regions
  - Does that mean San Francisco Bay is regulated more stringently?
- Response: We have reevaluated those data and based upon these analysis, the difference is not significant enough to warrant habitat specific thresholds for the chemistry indicator

# 5. Application in Estuaries and other Bays

- Comment: The approach proposed for other waterbodies was not scientifically supportable
  - The chemistry and toxicity LOE were not validated in those waterbodies
  - Approach advocated the use of two LOE
- Response: Agree, the next draft will utilize 3 LOE in all habitats
  - Will require use of reference condition approach to assess benthos
  - Short term fix

# 6. Numeric or Narrative Objective

- Comment: State should propose numeric objectives
  - A numeric objective would be simpler to implement
  - Narrative objectives are implemented on a limited basis if at all
- Response: We disagree. A numeric value that integrates all LOE is an issue for future analysis and consideration.
  - The narrative is supported by approach numeric thresholds for each LOE
  - Provides flexibility to incorporate improved tools
  - Past limitations of narratives not a concern.

# 7. Protection from Potential Impacts

- Comment: SQOs should protect against *potential* impacts from chemical exposure
  - What if bioavailability increases suddenly
- Response: Disagree. This is primarily a legal issue.
  - Legal counsel feels that we are not required to provide protection from potential future impacts
  - Framework performed very well when compared with expert opinion supports the framework

# 8. Costs to Monitor

- Comment: The costs of using three LOE is too high.
  - Won't be able to afford the costs to monitor
- Response: We disagree, costs associated with TMDLs and waste load allocations or cleanups associated with non-stressor related pollutants can be orders of magnitude greater.
  - Benefit of resolving actual causes vs. the cost of managing every pollutant exceeding an SQG that is associated (proximally) with sediment toxicity

# 9. Complexity

- Comment: The approach is to complex
- Response: We disagree, the desire to make more confident assessment does bring about more complexity.
  - Same argument as before.

# 10. Framework for Indirect Effects

- Response: The indirect effects framework is vague
- Comment: Agree, it is
  - Will propose a framework using existing risk assessment methodology
  - Build off phase I work to develop a complete and well defined approach in Phase II